

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

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| CHARLOTTE BROWN, et al., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case Number CIV 08-452-C |
| |) | |
| LOVE, BEAL & NIXON, P.C., et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM OPINION AND ORDER

Plaintiffs initiated this action alleging Defendant Love, Beal & Nixon, P.C. (“LBN”), on behalf of one of the other Defendants, attempted to collect a debt from a Plaintiff using the mails and the telephone, and by suing a Plaintiff in Oklahoma County District Court. Plaintiffs asserted Defendants’ actions violated the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692e et seq. (“FDCPA”). Several of the Defendants filed Motions to Dismiss or Sever alleging Plaintiffs had improperly joined unrelated cases. The Court granted the motions in part, finding that Plaintiffs had to proceed in separate actions. On October 15, 2008, Amended Complaints were filed on behalf of Plaintiffs Cheryl Ellis (Dkt. No. 91); Deana Hance (Dkt. No. 92); Rebecca Johnson, Christa Nelson, and Donna Phelps (Dkt. No. 93); Jamie Pitts and Melissa Walkup (Dkt. No. 94); and Carol Starbuck (Dkt. No. 95). The Amended Complaints fail to comply with the Court’s explicit instructions in the earlier Order. As clearly stated in that Order, “each Plaintiff shall file a new Complaint.” Dkt. No. 85. The Order clarified in footnote 2 that all Plaintiffs other than Charlotte Brown must initiate a **new** case. Id. See Bollinger v. La Villa Grande Care Ctr., Case No. 08-1211, 2008

WL 4570075 (10th Cir. Oct. 14, 2008) (recognizing that two entirely different actions against different defendants cannot be pursued in one lawsuit). And even though Charlotte Brown is not required to file a new case, she must file an Amended Complaint setting forth only her claims.

Pursuant to Fed. R. Civ. P. 16(f) and the Court's August 15, 2008, Order, the Amended Complaints (Dkt Nos. 91, 92, 93, 94, and 95) are STRICKEN. Plaintiffs must initiate new cases as required by the August 15, 2008, Order within 20 days of the date of this Order or those Plaintiffs' claims will be dismissed. Plaintiffs' counsel is advised that any future failure to comply with the Court's instruction will result in sanction.

IT IS SO ORDERED this 17th day of October, 2008.


ROBIN J. CAUTHRON
United States District Judge